

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

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9 Inventor: Thomas R. Herren) G.U.A.
10 Serial No.: 10/600,806) 3637
11 Title: Multipurpose Construction)
12 Assembly and Method)
13 Filed: 06/19/2003)
14 Examiner: A. Phi Dieu Tran)

REPLY TO EXAMINER'S RESPONSE TO AMENDMENT

Election / Restriction

18 Ass't Commissioner of Patents
P.O. Box 1450
19 Alexandria, Virginia 22313-1450

20 | Sir:

21 This reply is in response to the January 23, 2006 Response to Applicant's amendment of
22 the above-referenced patent application. For purposes of examination and to move the
23 application forward, Applicant elects Claims 1 and 2 as those that read on Figures 1 and 2 as
24 required by the restriction requirement.

25 However, Applicant again renew its objection to the Examiner's request for a restriction
26 requirement predicated upon the figures and not the claims and believes this to be a solid ground
27 for appeal should Applicant so choose. As stated in Applicant's prior response, Section 121 of
28 the Patent Act provides that "if two or more independent and distinct inventions are claimed in
one application, the Commissioner may require the application to be restricted to one of the

1 inventions." 35 U.S.C. 121. The Examiner's initial rejection and the present response is still not
2 predicated upon the claims of the pending application but on the figures.

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Respectfully Submitted,

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February 16, 2006

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Mark H. Plager, Reg. No. 35,648
Attorney for Applicant

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PLEASE RESPOND TO:

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